

REMARKS

Favorable reconsideration of this application as presented herein is requested. Claims 1-59 are pending in the present application. No new matter has been added.

In the Office Action mailed 10/6/2004, the Examiner rejected claims 1-49 and 58-59 under 35 U.S.C. §103(a) as being unpatentable over Padovani et al. (U.S. Patent No. 6,574,211) in view of Gustafsson et al., (U.S. Patent No. 6,643,275) and Kanterakis et al. (U.S. Patent No. 6,389,056) and further in view of Meyers et al. (EP 1001572).

Claim Rejections under 35 U.S.C. §103

The Examiner rejected claims 1-49 and 58-59 under 35 U.S.C. §103(a) as being unpatentable over Padovani et al. (U.S. Patent No. 6,574,211) in view of Gustafsson et al., (U.S. Patent No. 6,643,275) and Kanterakis et al. (U.S. Patent No. 6,389,056) and further in view of Meyers et al. (EP 1001572). To establish a prima facie case of obviousness three basic criteria must be met. First, there must be some suggestion or motivation of, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine the reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference(s) must teach or suggest all the claim limitations.

The rejection contends that Gustafsson teaches a random access in a mobile telecommunication system wherein the access probe preamble and the access probe message are transmitted in stages by the access terminal to the access network, and wherein the access network demodulates and compares the access probe preamble to a threshold value prior to receiving the access message. With respect, the Examiner's argument is traversed. Gustafsson does not teach receiving on a fast access indicator channel a fast access indicator corresponding to a preamble. Upon detecting the fast access probe preamble, and without waiting to receive the fast access probe body portion of the fast access probe, the modem pool transceiver sends a fast access indicator. (See Applicant's Specification, p.4, l.30.) The other references also do not provide this feature.

PATENT

Applicant thus respectfully submits that claims 1, 14, 29, 41, 58, and 59 are not rendered obvious by the Gustaffson Patent when considered alone or in combination with Padovani, Kanterakis or Meyers. Claims 2-13, 15-28, 30-40, 42-49 depend from claims 1, 14, 29, and 41 and therefore contain all the limitations of those independent claims. Since the Gustaffson, Padovani, Kanterakis, and Meyers references do not render claims 1-49 and 58-59, unpatentable Applicant respectfully submits that the rejections thereof be withdrawn by the Examiner.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicant submits that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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By: Arti A. Kane / Limited Recognition
Arti A. Kane, Limited Recognition
858-845-2650

QUALCOMM Incorporated
5775 Morehouse Drive
San Diego, California 92121
Telephone: (858) 651-4125
Facsimile: (858) 658-2502